# Officer Involved Shooting of Emanuel Pasa

## **California Highway Patrol**

Officer Jose Renteria, #19527

J.S.I.D. File #14-0647



JACKIE LACEY
District Attorney

Justice System Integrity Division November 16, 2016

### **MEMORANDUM**

TO: LIEUTENANT CHARLES SAMPSON

Southern Division, Investigative Services Unit

California Highway Patrol 437 North Vermont Avenue Los Angeles, California 90004

FROM: JUSTICE SYSTEM INTEGRITY DIVISION

Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Emanuel Pasa

J.S.I.D. File #14-0647 C.H.P. File #0661-509-14

DATE: November 16, 2016

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 11, 2014, non-fatal shooting of Emanuel Pasa by California Highway Patrol (CHP) Officer Jose Renteria. It is our conclusion that Officer Renteria acted in lawful defense of another.

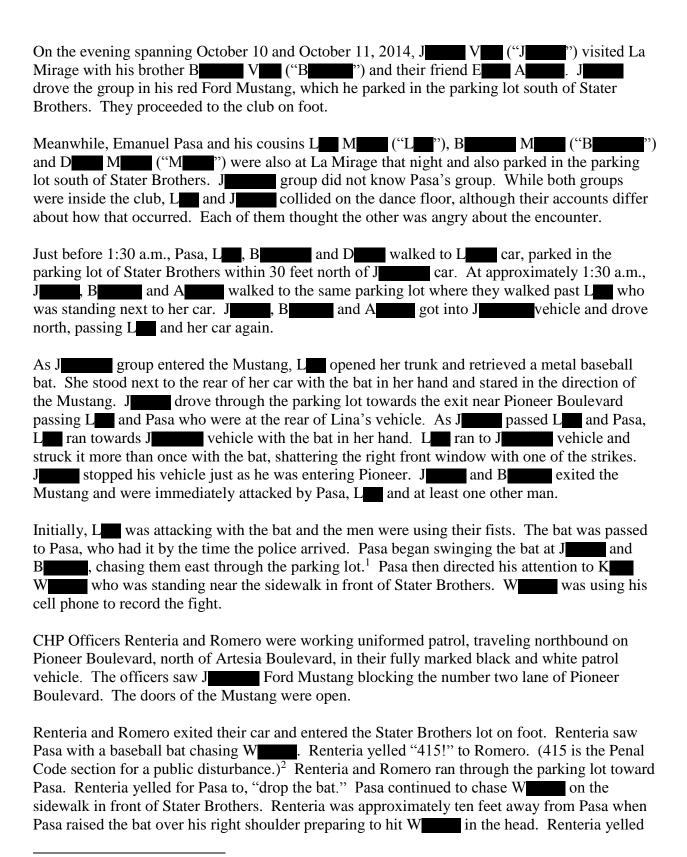
The District Attorney's Command Center was notified of this shooting on October 11, 2014 at 4:23 a.m. The District Attorney's Response Team responded and was given a briefing and walk-through of the scene.

The following analysis is based on reports, audio recordings and surveillance videos submitted to our office by California Highway Patrol Investigative Services Unit Officer Adam Smith. The non-compelled statement of Officer Renteria was considered for this analysis.

#### **FACTUAL ANALYSIS**

#### **Background**

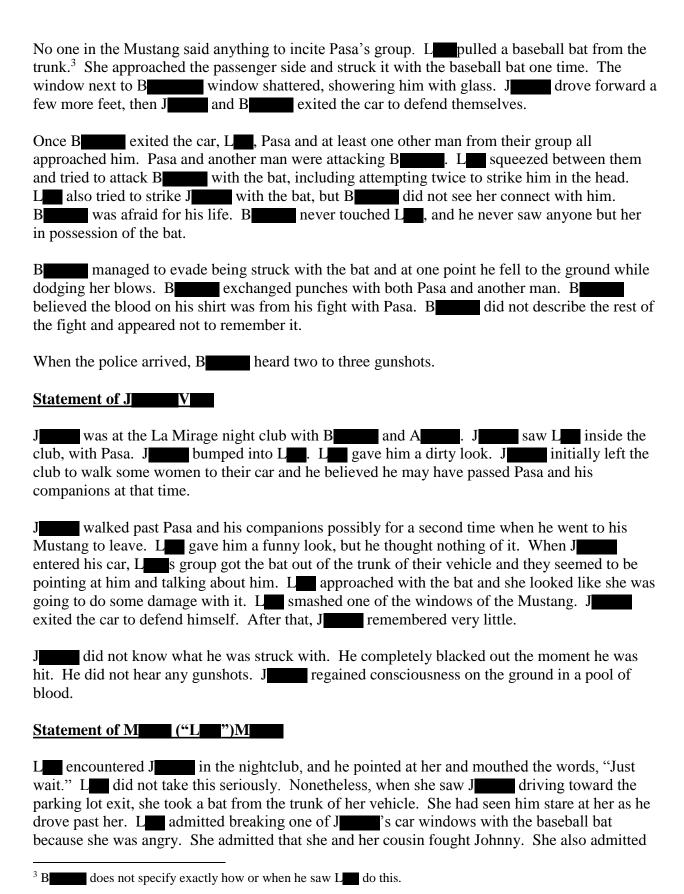
The incident occurred in the parking lot of a Stater Brothers store in a large shopping center on the east side of Pioneer Boulevard, just south of the 91 Freeway in the City of Artesia. Collateral events occurred at the La Mirage night club immediately north of the shopping center. The northernmost row of businesses in the shopping center, including the Stater Brothers store, face south, toward an east-west driveway that runs perpendicular to Pioneer Boulevard (a north-south roadway) and provides access from the parking lot to Pioneer Boulevand. La Mirage draws large crowds at night, and patrons sometimes park in the shopping center parking lot and walk a short distance north to the club. It is not possible to see any part of La Mirage from the parking lot of Stater Brothers.

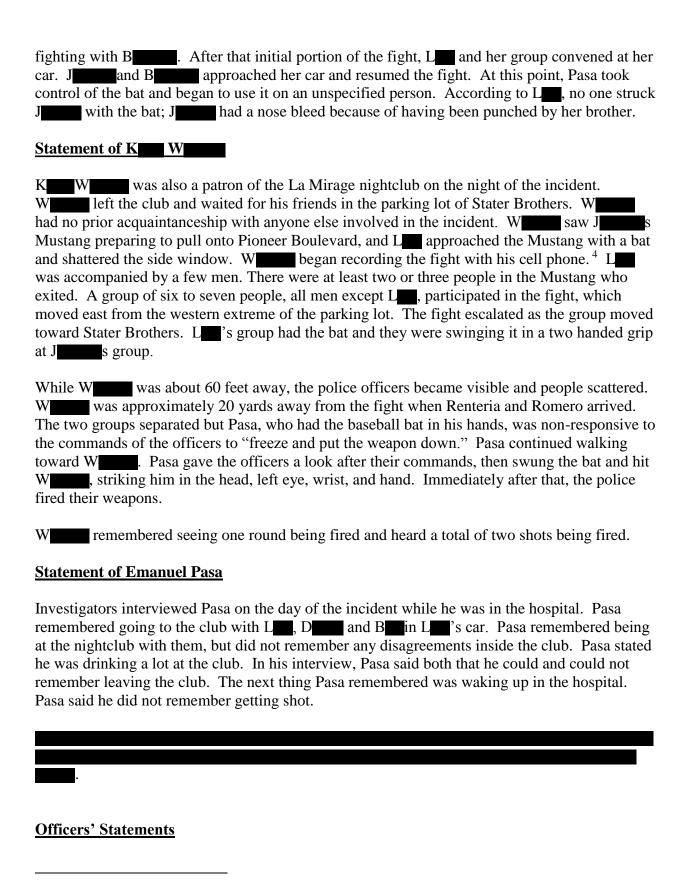


<sup>&</sup>lt;sup>1</sup> During the altercation, J was hit in the face and sustained a fracture to his left eye socket along with other facial injuries.

<sup>&</sup>lt;sup>2</sup> Romero's initial 415 broadcast was made at 1:33 a.m. and the shots fired call was made at approximately 1:34 a.m.

for Pasa to "drop the bat" again. Pasa looked at Renteria then back at W and continued to swing the bat toward W head. Renteria fired his service weapon at Pasa and struck him. Pasa was able to complete his swing and struck W in the head before Pasa fell to the ground. Renteria broadcast a shots fired call and requested an ambulance. Romero immediately moved the bat away from Pasa and placed him in handcuffs.
<u>Civilian Witnesses</u>
Statement of E
E A visited La Mirage with his friends, J and B V on the night of the incident. J drove them in his Mustang, which he parked in the Stater Brothers lot, close to Pioneer Boulevard. A group spent a few hours inside the nightclub. A and J left the nightclub at approximately 1:10 to 1:15 a.m. and walked south to the Mustang, where they waited for approximately three minutes for B who lingered at La Mirage talking to a woman.
Biggined them, and all three noticed Pasa and his companions at the back of a silver van, which was parked within 30 feet of their vehicle. A had not seen Pasa's group in the nightclub and he had no prior familiarity with them. A noticed that L had a blue and white Dodgers bat which she was swinging around. A group commented among themselves that they hoped that Pasa's group did not do anything to them because the bat was being handled in a menacing way.
A group entered the Mustang, with J driving, B in the front seat and A in the back behind B. The Mustang backed up and pulled into the traffic lane entering Pioneer Boulevard. No one in A group said anything to antagonize Pasa's group, and their windows were rolled up. As the Mustang pulled out of the parking lot, A group commented that they hoped Pasa's group did not strike their Mustang with the bat. Either Pasa or one of the men in his group struck the small driver's side window behind the driver's window of the Mustang. Within two seconds, L shattered the front passenger window of the Mustang with the baseball bat. Nothing was said by anyone in either group.
James and Bases jumped out of the Mustang. A tried to call 9-1-1, but his phone was dead. A ran back to the club, where he encountered a deputy sheriff. The deputy told him to go back to the parking lot because the CHP had already responded. A was gone for approximately four minutes. When he got back, he saw Pasa leaning over in agony. One of the officers told A to lie down.
Statement of B
On the night of the incident, B went to La Mirage with his older brother J and J friend, A friend. They parked in the Stater Brothers lot. B group spent about three hours inside the club and had no problems with any other patrons. B did not notice Pasa's group. When B and his companions walked through the Stater Brothers parking lot, he saw Pasa's group but there were no problems between the two groups.





<sup>&</sup>lt;sup>4</sup> W was filming video using the Snapchat app on his cell phone. Snapchat deletes the videos after they have been sent. Therefore, investigators were unable to capture any video from W s cell phone.

#### **Statement of CHP Officer Jose Renteria**

Officers Jose Renteria and Moises Romero were working patrol in full uniform in a marked patrol vehicle driven by Romero at the time of the incident. Renteria and Romero were driving northbound on Pioneer Boulevard approaching the 91 Freeway, when they saw a red Ford Mustang blocking the number two lane of northbound traffic on Pioneer Boulevard. The officers stopped perpendicular to the vehicle. The Mustang was unoccupied, with the doors open.

Renteria shined the patrol vehicle's spotlight into the open door of the Mustang and saw no one inside. Renteria and Romero exited their vehicle and approached the Mustang. As they approached, Renteria saw an altercation on the sidewalk in front of Stater Brothers. The altercation involved a group of people yelling and screaming at one another and moving around.

Pasa, who was immediately noticeable because of his size, was swinging a bat with a two handed grip, over his right shoulder. Pasa was swinging at a group of people who appeared to be trying to get away from him. Renteria feared that if anyone were struck in the head by the bat, a fatal injury could result, so he unholstered his weapon.

Renteria told Romero, "Hey, we've got a 415." At first, Pasa was following some people to the south. The group of six or seven people surrounding Pasa all appeared to be within range to be struck by Pasa. No one but Pasa had a weapon. After the officers approached, Pasa turned his attention to W who appeared to be using his cell phone to record the events. Pasa pursued W north, toward Stater Brothers and chased him onto the sidewalk. W was backing away. Throughout the events, the distance between Pasa and W was five to ten feet. W was shorter and much thinner than Pasa.

Renteria ordered Pasa to drop the bat three times. Pasa turned and looked at him for a couple of seconds, then turned his attention back to W who still had his cell phone out. Pasa continued to swing the bat at W shead with a two handed grip on the bat in the manner of a baseball player. Renteria shot Pasa while Pasa was facing W when Renteria fired he had in mind that a strike to the head with a bat could cause death.

Renteria fired two to three rounds at Pasa from a distance of 10 to 20 feet. He fired while Pasa was in the motion of swinging and moving toward W Renteria believed the rounds that struck Pasa stopped him from further assault on W Renteria did not see the baseball bat make contact with W

After the shots were fired, Pasa dropped the bat and walked over to the side and leaned on a bench.

Renteria fired his weapon when Pasa swung at W to prevent W from being seriously injured or killed. Renteria did not believe that a Taser would have been adequate because Pasa's heavy clothing would likely have inhibited the penetration of the Taser darts.

#### **Statement of CHP Officer Moises Romero**

Romero described the events that brought him and his partner into the Stater Brothers lot. Once the officers exited their car, Renteria, who was ten to fifteen feet ahead of him yelled, "415!" Romero saw Pasa with the bat and yelled, "Drop the bat!" while running toward him. Pasa was chasing W who was retreating onto the sidewalk. When the officers were approximately ten to fifteen feet from Pasa, Renteria yelled, "Drop the bat!" Pasa looked at Renteria with the bat still in his hands. Pasa looked back toward W who was approximately three to four feet from him, and swung the bat at him with a two handed baseball swing. Romero heard two shots being fired.

As Renteria reached for his gun, Romero reached for his Taser to enable them to have a less lethal option. Romero commanded Pasa to drop the bat three to four times, and Renteria said it two to three times.

#### **LEGAL ANALYSIS**

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *People v. Randle* (2005) 35 Cal.4<sup>th</sup> 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4<sup>th</sup> 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4<sup>th</sup> 1073, 1082; *see also*, CALCRIM No. 505.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight...The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.* 

Both officers repeatedly ordered Pasa to drop the bat. Pasa defied them and swung at Whead. If Pasa had not been deterred, death or extremely serious injury were imminent and inevitable.

We conclude that Officer Renteria was in reasonable fear of death or great bodily injury to W by Pasa's actions and acted lawfully in defense of another when he used force. We are therefore closing our file and will take no further action in this matter.